IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 2133 of 2004

Between:

1 Mr.Nazeer, S/o Mahaboob Ali,
Parveen High School, B.K.Guda, Sanjeevareddy Nagar,
Hyderabad.
2 Mrs.Shahnaz Begum, W/o Shaik Mahaboob Basha,
Parveen High School, B.K.Guda, Sanjeevareddy Nagar,
Hyderabad.
3 Miss.Prabhavathi, W/o
Parveen High School, B.K.Guda, Sanjeevareddy Nagar,
Hyderabad.

..... PETITIONER(S)

AND

1 Government of Andhra Pradesh, rep.by its Secretary, Dept.of School Education,
Secretariat, Hyderabad.
2 The Director, School Education, Hyderabad.
3 District Educational Officer, Hyderabad District, Hyderabad.
4 The Correspondent, Parveen High School, B.K.Guda,
Sanjeevareddy Nagar, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or Order or direction declaring the impugned action of the respondents in not granting grant-in-aid to the petitioners as illegal, arbitrary and in violation of principles of natural justice apart from violative of fundamental rights guaranteed under Article 14,16 and 21 of the Constitution of India and consequentially direct the respondents to forthwith admit the petitioners into grant-in-aid posts award costs

Counsel for the Petitioner: MR.DASARI VIJAYA KUMAR

Counsel for the Respondent Nos.1 to 3: GP FOR EDUCATION
Counsel for the Respondent No.4: None appeared

The Court made the following :

ORAL ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents.

It is stated that the petitioners 1 and 2 joined Parveen High School, Hyderabad on 1.7.1992 and 23.11.1992 respectively in unaided posts and as such they have been continuing till date without any break in service. The 3rd respondent joined the same school on 16.11.1983 in unaided post and she has also been continuing without any break in service. It is stated that the 4th respondent – Correspondent of Parveen High School, submitted proposals to the respondents 1 to 3 to admit the petitioners to grant-in-aid posts as against clear vacancies because there is sufficient workload in the respective posts. It is further stated that the petitioners 1 and 2 have completed more than 12 years of service and the 3rd petitioner has completed 21 years of service without any aid from the Government and therefore, they are entitled to be considered for admission to grant-in-aid posts. The 4th respondent submitted proposals vide representation, dated 20.10.003 to the Principal Secretary, School Education, Govt. of Andhra Pradesh, Hyderabad requesting him to direct the competent authority to absorb the petitioners in the management as against the aided posts.

I am not inclined to express any opinion on merits of the case and as the proposals submitted by the 4th respondent Hyderabad are pending, it is just and proper for the respondents to consider and pass appropriate order on such proposals.

Having regard to the facts and circumstances of the case, the 1st respondent is directed to consider the proposals said to have been

sent by the 4th respondent for admitting the posts of the petitioners to grant-in-aid and pass appropriate orders on the pending proposals if any within eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

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(V.ESWARAIAH,J.)

17th August, 2004

Bcj/tjs

To

1 The Secretary, Government of Andhra Pradesh, Dept.of School Education, Secretariat, Hyderabad.
2 The Director, School Education, Hyderabad.
3 District Educational Officer, Hyderabad District, Hyderabad.
4 The Correspondent, Parveen High School, B.K.Guda, Sanjeevareddy Nagar, Hyderabad.

5 Two C.Cs. to the Government Pleader for Education, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies